

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**TIMOTHY MOORE, DDS,**

**Plaintiff,**

v.

**Civil Action 2:16-cv-200  
Chief Judge Edmund A. Sargus, Jr.  
Magistrate Judge Jolson**

**RORY FELDMAN,**

**Defendant.**

**MEMORANDUM OF PRELIMINARY PRETRIAL CONFERENCE**

This matter came before the Court on June 29, 2016 at 2:00 p.m. for a Preliminary Pretrial Conference pursuant to notice and in accordance with Rule 16 of the Federal Rules of Civil Procedure. Counsel appeared as follows:

For Plaintiff: Diana Givand

For Defendant: Samir Dahman and Jonathan Miller

The following matters were considered:

**VENUE AND JURISDICTION**

There are no contested issues related to venue or jurisdiction.

**PARTIES AND PLEADINGS**

Any motion to amend the pleadings or to join additional parties shall be filed by August 16, 2016.

**MOTIONS**

There is a pending motion to dismiss the counterclaim filed May 26, 2016. (Doc. 7).

## ISSUES

Plaintiff brings claims for fraudulent misrepresentation and a violation of the Ohio Consumer Sales Practices Act arising from his purchase of magical artifacts from Defendant. Defendant has filed a counterclaim for abuse of process. There is a jury demand.

## DISCOVERY PROCEDURES

All discovery shall be completed by April 1, 2017. For purposes of complying with this order, all parties shall schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and shall file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so.

## DISPOSITIVE MOTIONS

Any dispositive motions shall be filed by April 15, 2017.

## EXPERT TESTIMONY

Primary expert reports must be produced by December 15, 2016. Rebuttal expert reports must be produced by January 31, 2017. If the expert is specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(B), unless otherwise agreed to by the parties. If the expert is not specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(C), unless otherwise agreed to by the parties. Pursuant to Fed. R. Civ. P. 26(b)(4)(A), leave of court is not required to depose a testifying expert.

## SETTLEMENT

Plaintiff has made a settlement demand and Defendant has responded. The parties shall make a good faith effort to settle this case. This case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference during this Court's September 2016 settlement week. In order for the conference to be meaningful, all discovery that may affect the parties' ability to evaluate this case for settlement purposes must be completed prior to the beginning of settlement week. The parties will also be expected to comply fully with the settlement week orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

## OTHER MATTERS

None.

If the foregoing does not accurately record the matters considered and the agreements reached at the conference, counsel shall immediately make their objection in writing. If any date

set in this order falls on a Saturday, Sunday or legal holiday, the date is automatically deemed to be the next regular business day.

IT IS SO ORDERED.

Date: June 29, 2016

/s/ Kimberly A. Jolson  
KIMBERLY A. JOLSON  
UNITED STATES MAGISTRATE JUDGE